

#### **40 KAR 2:110. Notice of intent to solicit forms.**

RELATES TO: KRS 367.657

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.657(2)

NECESSITY, FUNCTION, AND CONFORMITY: To fulfill the requirement of an administrative form for those charitable organizations identified in KRS 367.657(2).

Section 1. (1) A professional fundraiser or professional solicitor shall file a sworn statement with the Attorney General pursuant to KRS 367.655(2) unless the solicitor or fundraiser has previously filed an Internal Revenue Service Federal Form 990 pursuant to KRS 367.657.

(2) The sworn statement required by KRS 367.657(2) shall contain the following information:

(a) The name of the charitable organization;

(b) A list of any other names the organization has used or been known by;

(c) The address of the organization's principle place of business including the:

1. Street number, city, state and zip code;

2. Telephone number; and

3. Fax number.

(d) A statement as to the business form which the organization uses;

(e) A statement indicating if the organization or any of its officers, directors, employers, fundraisers, fundraising counsel or solicitors has:

1. Been enjoined by a government agency or court from soliciting;

2. Had its registration denied or revoked;

3. Been the subject of any proceeding regarding any solicitation or registration;

4. Entered into a voluntary agreement of compliance; or

5. Registered with any other state or agency.

(f) If the organization answered affirmatively to any of the questions in paragraphs (e)1 through 5 of this subsection the organization shall provide a list of all agencies and states where it is registered, including the:

1. Dates of registration;

2. Registration number;

3. Types of solicitation conducted in each state, including the dates of those solicitations; and

4. Any other names under which the organization was registered.

(g) List of other states where the organization is registered;

(h) A statement indicating if the organization has applied for tax exempt status or been granted IRS tax exempt status and the current standing of that status;

(i) A statement indicating if contributions to the organization are tax deductible;

(j) A statement indicating:

1. If tax exempt status has ever been denied, cancelled or modified;

2. The name of the agency that denied, cancelled or modified the tax exempt status; and

3. The date the tax exempt status was denied, cancelled or modified.

(k) A description of the purpose of the organization and use of the solicited funds;

(l) The names, addresses, telephone numbers and dates of all professional fundraisers, solicitors, fundraising counsel, or commercial covenanters the organization contracts with or with which the organization engages services;

(m) The amount paid to professional fundraisers, solicitors, or fundraising counsel during the previous year; and

(n) Any other information that may be required when filing an Internal Revenue Service Federal Form 990.

(3)(a) The information required by subsection (2) of this section shall be provided by the seller on

"Notice of Intent to Solicit Form A-1" (July 1994 edition) which is incorporated by reference.

(b) Copies of the form may be inspected, copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. (21 Ky.R. 694; Am. 1287; eff. 10-12-94; Crt eff. 2-21-2020.)